

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

CLAYTON BROTHERS,

Defendant.

) Criminal No. **5:15-CR-198 (BKS)**

) **Indictment**

) Violation: 18 U.S.C. §§ 922(g)(1),
) 924(a)(2) [Possession of
) Firearms and Ammunition by
) a Prohibited Person]

) 5 Counts

) County of Offense: St. Lawrence

THE GRAND JURY CHARGES:

COUNT 1

[Possession of a Firearm by a Prohibited Person]

In or about April 2014 in St. Lawrence County in the Northern District of New York, the defendant, **CLAYTON BROTHERS**, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting interstate and foreign commerce, a firearm, that is, a Sig Sauer 556 pistol, serial number TP003872, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 2

[Possession of a Firearm by a Prohibited Person]

In or about April 2014 in St. Lawrence County in the Northern District of New York, the defendant, **CLAYTON BROTHERS**, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting interstate and foreign commerce, a firearm, that is, a DPMS Carbine 5.56 mm caliber semi-automatic rifle,

serial number F167433K, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 3
[Possession of a Firearm by a Prohibited Person]

In or about April 2014 in St. Lawrence County in the Northern District of New York, the defendant, **CLAYTON BROTHERS**, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting interstate and foreign commerce, a firearm, that is, a Colt Law Enforcement Carbine 5.56 mm caliber semi-automatic rifle, serial number LE072633, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 4
[Possession of a Firearm by a Prohibited Person]

In or about April 2014 in St. Lawrence County in the Northern District of New York, the defendant, **CLAYTON BROTHERS**, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting interstate and foreign commerce, a firearm, that is, a Savage Arms .22 caliber/.410 gauge combination firearm, no serial number, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 5
[Possession of Ammunition by a Prohibited Person]

In or about April 2014 in St. Lawrence County in the Northern District of New York, the defendant, **CLAYTON BROTHERS**, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting interstate and foreign commerce, ammunition, that is, more than 1,000 rounds of 5.56mm caliber NATO

Lake City XM855 FMJ Grain Steel Penetrator ammunition, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

FORFEITURE ALLEGATION

1. The allegations contained in Counts 1 through 5 of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offense in violation of Title 18, United States Code, Section 922(g)(1), the defendant, **CLAYTON BROTHERS**, shall forfeit to the United States, pursuant to Title 18 United States Code, Section 924(d) and Title 28 United States Code, Section 2461(c), any firearm and ammunition involved in the commission of the offense, including, but not limited to:

- (a) Sig Sauer 556 pistol, serial number TP003872
- (b) DPMS Carbine 5.56 mm caliber semi-automatic rifle, serial number F167433K
- (c) Colt Law Enforcement Carbine 5.56 mm caliber semi-automatic rifle, serial number LE072633
- (d) Savage Arms .22 caliber/.410 gauge combination firearm, no serial number
- (e) approximately 3,543 rounds of 5.56 mm/.223 caliber NATO Lake City XM855 FMJ Grain Steel Penetrator ammunition

Substitute Assets

3. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;

- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty,

the United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

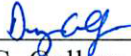
All pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c).

Dated: July 15, 2015

A TRUE BILL,

Grand Jury Foreperson

RICHARD S. HARTUNIAN
United States Attorney

By: 

Douglas G. Collyer
Assistant United States Attorney
Bar Roll No. 519096